



DESE

Missouri
DEPARTMENT OF ELEMENTARY & SECONDARY
EDUCATION™

FOOD & NUTRITION SERVICES

February 6, 2026

Whole Milk for Healthy Kids Act of 2025

Effective Immediately

**Implementation Requirements
for the National School
Lunch Program (NSLP)**

On January 14, 2026, President Donald J. Trump signed into law the **Whole Milk for Healthy Kids Act of 2025**. This law amends Section 9(a)(2)(A) of the Richard B. Russell National School Lunch Act (**42 U.S.C. 1758(a)(2)(A)**) revising requirements for milk provided through the United States Department of Agriculture's (USDA) National School Lunch Program (NSLP).



USDA Food and Nutrition Service (FNS) has issued a memorandum to Child Nutrition Program Regional Office and State Agency Directors: SP 01-2026 "Whole Milk for Healthy Kids Act of 2025 – Implementation Requirements for the National School Lunch Program." This memorandum and its attachment provide guidance on implementation of the updated fluid milk requirements for school lunch as required by the new law. This amendment to the statute applies **only to the NSLP- the amendment does not apply to breakfast**.

Review the **USDA Memo SP 01-2026**:

- Allows schools to offer whole and 2% milk at lunch only
- Removes saturated fat from the weekly average calculation for lunch only
- Allows Parents and Legal Guardians to provide a written request for milk modifications for students with disabilities

-Whole Milk for Healthy Kids Act Q&A

Question 1: Does this new bill apply to **Smart Snacks** and the **NSLP Afterschool Snack Program**?

- **Response 1:** No. As indicated by changes made by the Whole Milk for Healthy Kids Act and SP 01-2026: Whole Milk for Healthy Kids Act of 2025 – Implementation Requirements for the National School Lunch Program, these changes apply only to K-12 lunches served under the National School Lunch Program including the Seamless Summer Option (SSO) of NSLP.

Question 2: Does this apply to the School Breakfast Program (SBP)? And if not, how are schools supposed to handle accommodating a child for a disability at lunch but not breakfast?

- **Response 2:** No. The Whole Milk for Healthy Kids Act and SP 01-2026 applies only to K-12 lunches served under the National School Lunch Program. Therefore, schools operating the School Breakfast Program must continue to obtain a written statement from an authorized medical professional including registered dietitians. This written statement is required at school breakfast to provide a fluid milk substitute for a disability that cannot be met with a nutritionally equivalent, non-dairy, fluid milk substitute. Memoranda associated with reasonable accommodations are linked below for convenience.

Question 3: If a parent can now request a fluid milk substitute for a disability, what if they request an energy drink (like Red Bull) or juice? Is that allowable?

- **Response 3:** Under the Whole Milk for Healthy Kids Act, a parent or guardian may provide a written statement requesting a reasonable accommodation for a fluid milk substitute for a student with a disability. This statement must follow the same core principles as one provided by a medical professional that identifies the student's impairment and explains how it restricts their diet. The school must accommodate the disability, however, they are not required to provide a specific item, such as a particular non-dairy beverage or juice, if it creates an undue burden. Program operators can use their discretion.

Question 4: If a parent requests (due to disability) for the school to serve juice instead of milk, can the school accommodate that without a medical statement?

- **See Response #3**

If you have questions, please reach out to your regional Nutrition Program Specialist ([Map](#)).

National School Breakfast Week - March 2-6, 2026

National School Breakfast Week (NSBW) celebrates the important role a nutritious school breakfast plays in helping students start their day ready to learn, grow, and succeed!

Gear up for **National School Breakfast Week 2026** and explore resources designed to help you bring *The Quest for School Breakfast* to life—packed with ideas, tools, and inspiration to power every celebration.



Procurement

This announcement provides notification that procurement thresholds have been updated by the Office of Management and Budget, effective October 1, 2025. The final rule at **90 FR 41872** amends the Federal Acquisition Regulation (FAR) to further implement a statute, which requires an adjustment every five years of statutory acquisition-related thresholds for inflation.

Thresholds administered under Federal awards are referenced in **48 CFR 2.101 (also known as FAR 2.101)** and increased to the following starting October 1, 2025:

- Federal micro-purchase threshold - increased from \$10,000 to \$15,000 and;
- Federal simplified acquisition threshold (formerly known as the Federal small purchase threshold) - increased from \$250,000 to \$350,000.

State agencies and program operators are reminded to continue referencing Federal procurement regulations at **2 CFR 200**, which cite the above regulations. This update applies to all child nutrition programs including the **National School Lunch Program** (NSLP), **School Breakfast Program** (SBP), **Child and Adult Care Food Program** (CACFP), and the **Summer Food Service Program** (SFSP).

Local Education Agencies continue to possess the authority to set lower micro-purchase and simplified acquisition thresholds, thereby imposing more restrictive procurement requirements. If the state has not set a lower threshold, local Program operators may set higher limits in line with regulations found at **2 CFR 200.320(a)(1)**.

This notification supersedes and rescinds SP20 CACFP07 SFSP06-2019- Revised.

-Buy American

-Cap on Non Domestic Food Purchases

USDA established in regulations a new threshold for school food authorities that use Buy American exceptions. The limit on the percent of **total** commercial food costs from nondomestic foods will be phased in over 7 school years.

- Beginning in SY 2025-26, the nondomestic food purchases cap will be 10 percent.
- Beginning in SY 2028-29, the nondomestic food purchases cap will be 8 percent.
- Beginning in SY 2031-32, the nondomestic food purchases cap will be 5 percent.

This phased-in approach will allow schools to gradually adjust to the new requirement and will allow USDA to continue to collect data on use of the Buy American exceptions. Items listed on the Federal Acquisitions Regulations Nonavailable articles list **must be** counted toward the cap on non-domestic purchases when it goes into effect.

Buy American Provisions Related to the Final Rule, Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans –

-Resources

- **Buy American Provisions Policy Memo- Buy American Provisions Related to the Final Rule Titled, Child Nutrition Programs: Meal Patterns Consistent With the 2020-2025 Dietary Guidelines for Americans**
- **Buy American Provisions from the Final Rule Webinar- Revisions to Meal Patterns Consistent with the 2020-2025 DGAs – Buy American Provisions Webinar | Food and Nutrition Service**

Two limited exceptions when School Food Authorities (SFAs) may purchase non-domestic foods, with some modifications:

1. The product is listed on the Federal Acquisitions Regulations (FAR) 25.104 Non-available articles list **and/or** is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of satisfactory quality; or
 2. Competitive bids reveal the costs of a U.S. product are **significantly higher** than the non-domestic product.
- School Food Authorities have discretion to define “significantly higher.” Always document the exception!

Schools may use the Optional Exceptions Tracking Standard Form or another mechanism to track non-domestic purchases and document Buy American exceptions. The tracker is a best practice to calculate the percentage of total food cost over specified time frame. The Buy American compliance looks at total food cost calculation for an entire school year (July 1-June 30).

There are various reasons that SFAs may need a temporary accommodation such as;

1. Challenges the SFA has with purchasing domestic items during the procurement process, and
2. SFAs are unable to quickly adapt purchases for commonly purchased non-domestic items.

-Buy American Cap FAQ:

1. Do SFAs need to track non-program foods, such as Smart Snacks or items used for the Fresh Fruit and Vegetable Program?

- No. Because the Buy American statute and regulations only apply to the School Breakfast Program and National School Lunch Program, SFAs do not need to track purchases used for outside of these programs.

2. Are spices, condiments, oils, and herbs included under the Buy American provision, and do they need to be tracked and included in the 10% cap, if non-domestic?

- a. Many spices, herbs and certain oils (e.g., olive oil) are included on the FAR nonavailable list and do not require further documentation.
- b. SFAs should do their best to track the purchase of spices, condiments, oils and herbs.

3. Is it possible to shorten the period of Buy American compliance assessment to a reference period instead of reviewing annual purchases?

- a. Because the requirement is based on total annual food purchases in recognition that nondomestic and domestic purchases may fluctuate from month to month, State agencies will need to review the entire year.
- b. SFAs **do not** need to break out items by invoice or months and may just document total food costs for a product for the entire year.

4. How should schools document Buy American compliance and when will DESE review?

- a. Schools may use the SP 23-2024 Buy American Exceptions Tracking Form - [**SP23-2024a.xlsx**](#). This USDA form is an optional Exceptions Tracking Standard Form. Schools may use another mechanism to track non-domestic purchases and document Buy American exceptions. Schools can also work with distribution vendors to pull purchase history. The tracker is a best practice to calculate the percentage of total food cost over specified time frame. The Buy American compliance looks at total food cost calculation for an entire school year (July 1-June 30).
- b. DESE will release more information after the initial year of tracking (school year 2025-2026). Compliance will be initially reviewed during the Procurement

or Administrative Reviews. The requirement is an annual requirement that looks at an entire school year of purchases. For schools that can prove they are unable to meet the requirement, DESE will work on acceptable accommodations for the school.

FNS Resources and Updates

- 2025-2026 Prospective Waiver

Using authority under Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C 1760(l), MO DESE was approved for a **SY25-26 prospective waiver** to allow local program operators to quickly respond to unanticipated building closures by providing flexibilities for non-congregate meal service, meal service times, parent/guardian pick up, offer versus serve (NSLP only), meal service at school sites (SSO). With these waivers in place, DESE may approve program operators to serve non-congregate meals for up to 10 consecutive operating days without prior notice to FNS. Oftentimes, operators experience a short-term disaster/emergency. Examples are flooding, broken pipes, gas leaks, blizzards, school lockdowns for various reasons, building closures, loss of electricity resulting in building closure. All these situations happen very quickly. Without the Prospective waiver you run the risk of not being able to get waiver approval in time to provide the operator the ability to serve and claim meals and they may miss out on reimbursement.

- Chef and New Food Service Staff Member Surveys

Department of Elementary and Secondary Education-Food and Nutrition Services (DESE-FNS) is surveying Chefs and New Food Service Staff Members in order to learn from their expertise and identify what training resources would be of benefit to them. If applicable, please complete one of the surveys below at your earliest convenience.

- [Survey for New Food Service Staff Members](#)
- [Survey for School Chefs Survey](#)

Thank you for taking the time to help us serve you better.

- School Nutrition Association (SNA) Equipment Grant Opportunity

Eligible SNA members have access to equipment grants. You can find the [complete list here](#) along with more information and the applications. You do not want to miss out!

To qualify for an SNF Equipment Grant:

- Applicants must be current director-level members of the School Nutrition Association (SNA). If you need to confirm SNA membership, please call **(703) 824-3000**.
- Eligible applicants must be a member of SNA as of January 1, 2025.
 - Members who joined after the stated deadline will NOT be eligible.
 - Members who joined before the stated date ARE eligible.
- Applications must represent the entire school district's equipment needs.
- Applicants MUST be fully equipped to receive and install awarded equipment in 2026.
- Applications will be reviewed for need, plan to integrate new equipment and impact of new equipment on school nutrition program.

If you are selected as a finalist, you will be asked to create a 2- to 3-minute video. SNF staff will send you directions for the video application process if you are chosen to move on to the next round of judging. [Watch the videos from the winning 2025 grant recipients here.](#)

Please [review the opportunities](#) for more information on each grant, **applications are open and will close March 6, 2026!**

This Equipment Grant Opportunity is not associated with the USDA Equipment Grant. As of this time, our office has not received any information on the previous year FY 2025 Grant or upcoming FY 2026 Grant.

- Added Sugar Requirements Question

- **Question:** For the new product based added sugar requirements for cereal, do oatmeal and breakfast bars meet the definition of cereal, therefore needing to meet the added sugar requirement?

Clarification/Guidance

- **Breakfast Bars and Added Sugars-** The regulations at 7 CFR 210.10(c)(2)(iv)(C) points to breakfast cereals individually. However, if breakfast cereal is added to another product or as an ingredient in a recipe, **that breakfast cereal must still meet the product-based added sugar limit.** The product-based added sugar limit would not apply to the entire recipe, only the breakfast cereal. By SY 2027-28, the recipe will be subject to the weekly dietary specification limiting added sugars to less than 10% of calories averaged over the week in the school lunch and breakfast programs.
- This guidance also applies to yogurt used in recipes.
- **Resources:** [Exhibit A: Grain Requirements For Child Nutrition Programs; 7 CFR 210.10\(c\)\(2\)\(iii\)\(B\); Updates to School Nutrition Standards- Added Sugars](#)
- **Does oatmeal meet the requirement?**
 - Breakfast cereals include ready-to-eat, instant, and hot cereals, including oatmeal and granola. These foods are included in the product-based limits for added sugars. These product types are found in the [Exhibit A: Grain Requirements For Child Nutrition Programs](#) in groups H and I, respectively.

Missouri Farm to School



"Harvest of the Season" Contest

We are continually looking for new ways to serve our school districts and encourage the procurement of local foods for school meals. The Missouri Farm to School team is excited to announce a monthly Missouri "Harvest of the Season" contest. Awards will be made for local foods served in school meals starting in January – September.

As part of this contest, the school must share pictures, recipes, and stories of the local food item featured on the menu that month.

Winners will be selected each month and awarded a \$1,500 Farm to School mini-grant that can be used directly on allowable Farm to School expenses listed in the application.

On the following link you will find additional information and can also [submit a contest application](#) for local harvests served in the month of January. **Deadline to submit an application for the month of January is February 6th!** Applications will need to be entered monthly for the contest.

If you have any questions, feel free to reach out to Madelyn Terry (Madelyn.terry@dese.mo.gov), Sierra Walsh (sierra.walsh@dese.mo.gov), or Barbara Shaw (Barbara.shaw@dese.mo.gov).

-Now Open: Missouri Heartland Institute Application

The Missouri Department of Elementary and Secondary Education would like to invite you to learn about an exciting **Farm to School opportunity open to K-12 schools participating in the National School Lunch Program.**

The Heartland Farm to School Institute Conference is not just an opportunity; it's a gateway to enhancing Farm to School efforts at your site. It's a unique platform for professional development and networking with peers in your cohort, offering a year-long journey of growth and learning.

Below is a flyer with detailed information about the Institute and a [link to the online application](#) or you can scan the QR code. The email that was sent on January 26th included an attached application hard copy. We recommend that you complete your application answers on the hard copy and transfer them to the online application when you are ready to submit. **Applications are due February 20th, 2026.**

Please don't hesitate to contact Lisa Lauer - Lisa.Lauer@health.mo.gov if you have any questions.



A unique year-long opportunity focused on growing farm to school-ECE efforts at your school while providing professional development and networking with peers.

WHAT IS THE INSTITUTE?

The Heartland Farm to School & ECE Institute is adapted from the Vermont FEED 3 C's Approach, a successful model of change that connects efforts in the Cafeteria, Classroom, and Community to achieve robust and sustainable farm to school programs. Your team will work with a coach to develop an action plan that enhances your farm to school programming.

Teams chosen to participate in the Institute must be able to attend the in-person kickoff retreat at The Elms Hotel & Spa, June 2-4, 2026, to engage in action planning, peer networking, and hands-on learning. Each team chosen commits to participating in Institute activities as a team and completing their farm to school action plans, which will continue through May 2027.

WHO IS ON MY TEAM?

Teams applying to the Heartland Institute must participate in the National School Lunch Program (NSLP) or the Child and Adult Care Food Program (CACFP).

Team Size: 3-6 Individuals

Teams must have representation from the following:

- School nutrition/food service professional
- Administrator
- Teacher

All team members must have a vested interest and authority to contribute to farm to school efforts.



Apply Today!



[Application link](#)

Applications are due February 20 2026, 11:59 pm CT.
Notification of team selection will be made by March 15, 2026.

The Heartland Farm to School Institute is offered in collaboration with Farm to School and Early Care and Education partners from Kansas, Missouri, and Nebraska. This initiative is formally led by the Kansas Department of Education, Missouri Department of Elementary and Secondary Education, and the Nebraska Department of Education.



This institution is an equal opportunity provider.

We're Just Farming Around! - Moniteau County R-V Shout Out

I wanted to share a delightful experience I had during my recent visit to Moniteau County R-V School District.

As I arrived for an Administrative Review, I was immediately greeted by the sounds of goats. Curious about the source of the lively noises, I learned from Superintendent Tracey Bieri that they have a farm on the premises!

After completing the review, I had the pleasure of exploring the Moniteau County R-V farm. The students have set up a reading area right in the goat pen, where they relax in hammocks and enjoy reading to the goats. In addition to the goats, the farm is home to two pigs, some cows, and two miniature ponies, all cared for by the older students.

Each morning, these students take on the responsibility of cleaning the pens and barn and feeding the animals. It was heartwarming to see that none of them complained; in fact, they all expressed that working on the farm is their favorite part of the day.

I thought this unique program was such a wonderful addition to the students' experience at Moniteau County R-V, combining education with hands-on animal care.

- Abbie Scott, Nutrition Program Specialist - Southwest Central Region



USDA Foods Update



St. Louis – February 17, 2026

SFNDA/ISBE/MO-DESE Commodity Expo and Vendor Showcase

Ameristar

1 Ameristar Blvd., St. Charles, MO

[View on map](#)

CLICK HERE to register for ST. LOUIS 2026 SFNDA/ISBE/MO-DESE Commodity Expo and Vendor Showcase

Discounted room rates are available at our host hotel, Ameristar ([book here](#)).

Please also join us for a Networking Reception the night before:

Monday, February 16

5:00 - 8:00 PM

RYSE Night Club at the Ameristar

PROGRAMMING

Kansas City	St. Louis
Networking Reception Tuesday, February 3 • 5:00 - 7:00 PM	Networking Reception Monday, February 16 • 5:00 - 8:00 PM
HOA/KSDE/MO-DESE Commodity Expo and Vendor Showcase Wednesday, February 4	SFNDA/ISBE/MO-DESE Commodity Expo and Vendor Showcase Tuesday, February, 17
Classes 8:30 AM - 12:00 PM USDA Foods General Session Reducing Added Sugars Tilt Skillet Commodities 101 Common Food Safety Violations	Classes 8:30 AM - 12:00 PM USDA Foods General Session Illinois USDA Foods Session Management Style and Empowering Employees Tilt Skillet Commodities 101 Common Food Safety Violations
Vendor Showcase 11:00 AM-12:00 PM Directors Only 12:00 - 3:00 PM Open to All	Vendor Showcase 11:00 AM-12:00 PM Directors Only 12:00 - 3:00 PM Open to All

Past Due Direct Delivery Automatic Shipment

Starting in February, we will automatically ship Direct Delivery items that were requested on the USDA Foods Packet but not yet ordered. This is to prevent excessive force shipping at the end of the year. In February, we will automatically ship items that were requested on the packet for August-January delivery. We will email food service directors and/or authorized representatives to inform you of the items that will be shipped. If you have concerns about storing these items, please let us know so we can find a solution. If your district can no longer use the items, please advertise them for other districts to use. If no other district

takes them, you will still be responsible for receiving them. Please reach out to us at donatedfoods@dese.mo.gov with any questions or assistance.



26/27 USDA Foods Packet

We are anticipating a delay in the 2026-2027 USDA Foods Packet due to the government shutdown so we are releasing a **PREVIEW** version of the 26-27 USDA Packet and it is posted on the DESE-FNS **USDA Foods** webpage. **When the entitlement funding formula is released, we will publish the 26-27 USDA Food Packet, and we will communicate this to authorized representatives and food service directors.**

Please be aware that there will be a delivery fee for Direct Delivery and Fee For Service items this year. For public schools, the fee will be \$2.30. As always, non-public LEAs will pay the entire delivery fee charged by Gold Star Foods (estimated at \$5.36). In addition, nutritional information, product specifications, summary end product data sheets and commodity calculators are in the process of being updated on our USDA Foods webpage along with contact information for approved further-processing vendors. Links on each processing page are provided to access these tools directly from the commodity packet.



Let's Talk USDA Foods - Upcoming Webinar

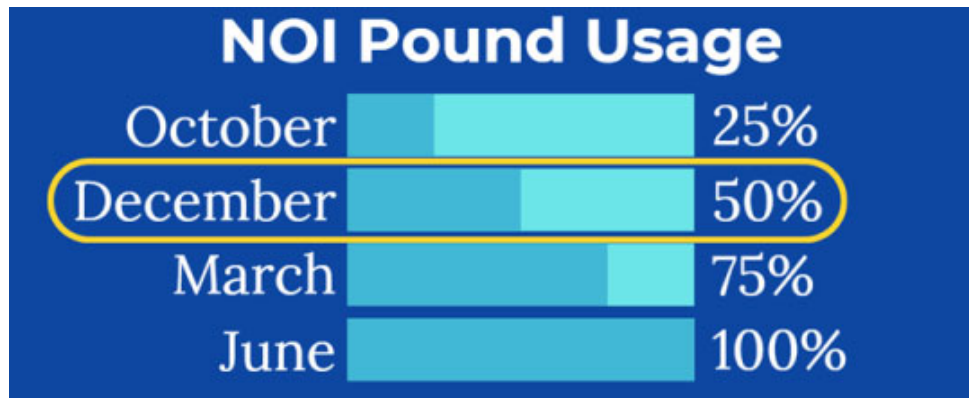
Two "Let's Talk USDA Foods" webinars will provide information to assist in completing the packet.

- January 27th – **Unwrapping the Packet/Survey**
- February 10th – **Commodities 101**

These webinars, as well as previously published **Commodities 101** presentations will be posted and available on the USDA Foods webpage to provide basic technical assistance for LEAs completing the packet.

Cancellations, Delays and Substitutions

While most of our direct delivery foods are being delivered as scheduled, we have some products that have been delayed or cancelled. If there are direct delivery items you requested on your packet, but have not received as scheduled, please consult the **Canceled/Delayed USDA Foods Direct Delivery Orders** page. If the item is not listed as cancelled or delayed, please reach out to our USDA Foods team at donatedfoods@dese.mo.gov



NOI Pound Usage

Districts that have processed Net Off Invoice (NOI) pounds should review their current balances. Approximately 50% of pounds allocated for the year should be used. Processors will be reaching out to districts that have used less than 50%. If your district has a plan to utilize all remaining pounds, please share that with them. If a district does not have a plan and does not think they will be able to utilize their remaining pounds, then please notify your processors. They will move the pounds back into our State account so they can be shared with a district that can use them. For districts that have used a majority of their pounds and could utilize additional pounds, please reach out to your processors. They will be able to provide bonus pounds as they are available.

Bonus DoD Funds will not be Available

With decreased meal counts after reconciliation and increased food prices, especially for beef, DESE is slightly overspent on entitlement. Because of this, there will not be any bonus DoD dollars available this year. We do not anticipate having bonus DoD funds next year, so please make sure to request DoD when you complete your USDA Foods packet to guarantee funds for your LEA.

Past Newsletters

Missed a past newsletter or need to access them again? You can find them all on our **Food and Nutrition Services Newsletter** page!



facilities that are accessible by persons with disabilities may be directed to the Jefferson State Office Building, Director of Civil Rights Compliance and MOA Coordinator (Title VI/Title VII/Title IX/504/ADA/ADAAA/Age Act/GINA/USDA Title VI), 5th Floor, 205 Jefferson Street, P.O. Box 480, Jefferson City, MO 65102-0480; telephone number 573-526-4757 or TTY 800-735-2966; email civilrights@dese.mo.gov.

This email was sent to

Please add to your address book to ensure our emails reach your inbox! If you'd rather not receive emails:
[Unsubscribe](#) | [Report Spam](#)

© Missouri Department of Elementary & Secondary Education, 205 Jefferson Street, Jefferson City, MO 65101